

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE T. VICKERS, JR., JD-4279,)	
Petitioner,)	
)	
v.)	2:15-432
)	
MICHAEL WENEROWICZ, et al.,)	
Respondents.)	

MEMORANDUM and ORDER

Mitchell, M.J.

George T. Vickers, Jr. an inmate at the State Correctional Institution at Graterford has presented a petition for a writ of habeas corpus. The respondents filed a motion to dismiss on May 22, 2015 and on June 17, 2015 the motion was denied. Pursuant to Rule 12(a)(4), F.R.Civ.P. respondents' answer to the petition was due by July 1, 2015. When no answer was forthcoming, we directed the respondent to show cause, if any, why the relief sought should not be granted as being unopposed. Again no response was filed and on August 31, 2015 we ordered that the writ be granted and the petitioner be discharged from custody unless he is retried within ninety (90) days.

Over a month has passed and the District Attorney has not submitted any documents regarding the future of Vickers' prosecution. In light of the past lack of responses and out of an abundance of caution we will schedule the matter for a release hearing unless the petitioner is retried within the time frame previously established.

An appropriate Order will be entered.

ORDER

AND NOW, this 2nd day of October, 2015, unless the petitioner is retried prior to that time, a hearing is scheduled before the undersigned on December 1, 2015 at 10:00 A.M. in Courtroom 9B, United States Courthouse, 700 Grant Street, Pittsburgh, PA 15219, to show cause if any why he should not immediately be released from custody,

AND IT IS FURTHER ORDERED, that the Warden of the State Correctional Institution at Graterford, the District Attorney of Washington County, Pennsylvania, and the Attorney General of the Commonwealth of Pennsylvania produce the named detainee for that hearing.

All expenses to be borne by the Commonwealth of Pennsylvania.

s/ Robert C. Mitchell
United States Magistrate Judge

Cc: Warden, SCI Graterford
Attorney General of Pennsylvania
United States Marshal